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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1512 OF 2015**

Minabai Rajender Lokhande and Ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr.Sanjeev Sawant a/w Mr.B.K.Barve, Mr.Sandeep Barve, Ms.Archana
Lad i/b B.K.Barve & Co., for the Applicants

Ms.Veera Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 10th MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. I-160 of 2014, registered with the Yeola Police Station, Nashik, for the alleged offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.
3. The applicant no.1 is the wife of the deceased, applicant no.2 is the mother-in-law and applicant no.3 is the brother-in-law of the deceased. The incident in question has taken place on 6th October, 2014, in the night. According to the prosecution, the complainant who is a police constable

received a telephonic call from one Dattu Wagh, who disclosed that one dead body was floating in the well in his field. On reaching the said spot, it was found that the dead body was tied by a rope with a 15 kg stone. Pursuant to the same, the Head Constable – Avari, lodged a complaint, which was registered vide C.R.No.160 of 2014 as against the unknown persons. During investigation the present applicants and three others came to be arrested.

4. Learned Counsel for the Applicants submitted that there is no material to show that it was the applicants, who committed the murder of the deceased. He contends that at the highest, the only material as against the applicants is that they disposed of the deceased's body in order to screen themselves from the punishment, as they were afraid. He submitted that the statements which are on record, more particularly that of one Radhabai K. Pawar shows that the applicant no.1 had come to their house and informed them, that her husband had committed suicide, pursuant to which the other accused went to the spot. He submits that the cause of death is also consistent with the applicants case that the deceased committed suicide.

5. Learned APP submits that despite giving telephonic instructions to the Investigating Officer, even today the Investigating Officer is not present. Even on 7th March, 2016, no officer from the concerned Police Station had come to give instructions to the learned APP.

6. Perused the charge-sheet. The prosecution case rests entirely on circumstantial evidence. It appears from the charge-sheet and the statement of Radhabai Pawar that applicant nos.1 and 2 had come and informed the family members that the deceased had committed suicide, after which all the accused went to the house of applicant no.1. The post mortem report shows that there were no external injuries found on the deceased. The cause of death is 'death due to constriction of neck'. There is no other evidence in the present case.

7. Considering the nature of allegations, qua the present applicants, the applicants deserve to be enlarged on bail on the following terms and conditions :

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in

the sum of Rs. 10,000/- each with one or two sureties in the like amount;

(ii) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iii) The applicants to cooperate with the conduct of the trial.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein, are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.